UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,789	06/21/2006	Kimmo Jyrinki	IHN.080.WUS	6884

76385   7590   08/02/2010
Hollingsworth & Funk
8500 Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437

EXAMINER
ZAHR, ASHRAF A

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
08/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/583,789	JYRINKI, KIMMO
	Examiner	Art Unit
	ASHRAF ZAHR	2175

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>21 July 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>35 USC 112 rejection of claims 23-25</u>.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1,4,5,8-10,13,14 and 18-25</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet</u>.

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175

Continuation of 13. Other: Applicant States: "With respect to the § 112, second paragraph, rejection of claims 23-25, the claims have been amended to depend from apparatus claim 22 in accordance with the Examiner's observation. Also, claims 18 and 22 have been amended to correct a typographical error. None of these changes introduces new matter, and the changes to claims 23-25 are believed to overcome the rejection. Applicant accordingly requests that the rejection be withdrawn."

The examiner appreciates applicant's amendments and explanation and thus will enter the claims and withdraw this rejection

Applicant States: "With particular respect to claims 18-22, Applicant notes that the claims are not included in any statement of rejection. MPEP § 707.07(d) indicates that where a claim is refused the word "reject" must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection".

The statutory basis, 35 USC 102 (b), for the grounds of rejection are stated in the opening sentence as well as the word reject. The claim numbers are listed under a statement of rejection as is the citation to reference by which they were rejected. A typographical error is the reason why the numbers 18-21 were not listed alongside the other numbers.

Applicant Also Argues, "Mansikkaniemi because Mansikkaniemi has not been shown to teach or suggest at least detecting a text pattern in the one or more calendar notes and associating the calendar notes with one or more calendar profiles in a terminal on the basis of the detected text patterns, as claimed in each of the independent claims. The cited paragraph [0048] of Mansikkaniemi does not mention detecting a text pattern or associating calendar notes with calendar profiles on the basis of detected text patterns. As explained previously, Mansikkaniemi does not provide details of how the asserted family/individual calendar designation of a new event is effected. Without a presentation of correspondence to each of the claimed limitations, the § 102 rejection is improper."

The designation of the event an either to be listed on the family or individual calendar would be the identifier (Masnikkaniemi, 0048). The event itself is the calendar note. The text pattern could be any text or program code which is text used to designate the event, this feature is inherent, as the terminal detects this pattern when displaying and associating calendar notes with profiles.

Applicant Also Argues, "With particular respect to the rejection of dependent claim 18, Applicant further traverses because the asserted teachings have not been shown to correspond to the claimed limitations. Claim 18 requires that generating calendar content to be shared includes modifying the calendar notes associated with the shared calendar content. Notably, the claimed generation is performed by the terminal, not a user. Thus, the assertion that a user may create and edit events does not provide correspondence to the claimed modification of calendar notes by the terminal. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that the rejection be withdrawn."

The designation of the event an either to be listed on the family or individual calendar would be the identifier (Masnikkaniemi, 0048). The user is able to create and edit events in the same views of the system where the information is presented (Masnikkaniemi, 0046). This is also generated by the terminal as the terminal has to process the designations and make the modifications in response the user input.

Applicant Also Argues, "With particular respect to the rejection of dependent claim 19, Applicant further traverses because the asserted teachings have not been shown to correspond to the claimed limitations. Claim 19 requires that the calendar profile comprises a work profile, and modifying the content comprises removing non-work-related personal information from the content. The assertion that Mansikkaniemi's family calendar would correspond to the claimed work profile does not provide any correspondence to the claimed removal of personal information from calendar content generated for the work profile. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that the rejection be withdrawn".

The designation of the event an either to be listed on the family or individual calendar would be the identifier (Masnikkaniemi, 0048). Family would be equivalent to the work profile and individual would be equivalent to the persona profile. This is also generated by the terminal as the terminal has to process the designations and make the modifications in response the user input.

Applicant Also Argues, "With particular respect to the rejection of dependent claim 20, Applicant further traverses because the asserted teachings have not been shown to correspond to the claimed limitations. Claim 20 requires that modifying calendar notes comprises obscuring the calendar notes associated with shared content while retaining indicators of the times of the events associated with the obscured calendar notes. The assertion that any member of the family can look at the family calendar fails to provide correspondence to the claimed obstruction of calendar notes with shared content. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that the rejection be withdrawn".

Each new event is also designated to either be listed on the family calendar or just on the individual's calendar. Thus, any member of the family can look at and add to the family calendar and also look at and add to their private calendar, but cannot look at and add to another's calendar (Mansikkaniemi, 0048). This is also generated by the terminal as the terminal has to process the designations and make the modifications in response the user input.

Applicant Also Argues, "With particular respect to the rejection of   dependent claim 21, Applicant further traverses because the

asserted teachings have not been shown to correspond to the claimed limitations. Claim 21 requires that modifying the calendar notes comprises providing a modified note to describe user availability in the context of both the calendar profile and on the basis of times of day associated with the calendar entries. Again, the claimed modification is performed by the terminal, not a user. Thus, the assertion that a user may create and edit events does not provide correspondence to the claimed modification of calendar notes by the terminal. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that the rejection be withdrawn".

The user is able to create and edit events in the same views of the system where the information is presented (Masnikkaniemi, 0046). This includes changing the times and days of events. This is also generated by the terminal as the terminal has to process the designations and make the modifications in response the user input..